



Safety First

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BSBWHS307 Apply knowledge
of WHS laws in the workplace

Session 1:
Introduction

Overview

- Introduction to unit
- Blackboard
- Assessments
- Delivery and Assessment Plan (DAP)
- DAP acceptance
- Workplace Safety
- WHS legal framework
- Duty holders and their role in the workplace
- Duty of care
- SmartMove site and complete the General and Business modules and obtain the Certificate

What is this unit about?

WHS is a proactive approach to keeping workplaces safe and healthy for everyone who enters.

- In this unit we will cover the skills and knowledge required to:
 - understand work health and safety (WHS) laws, and comply with them in the workplace.
 - contribute to compliance with WHS laws as part of the WHS responsibilities, which are in addition to the main duties of a job role.
- The terms 'occupational health and safety' (OHS) and 'work health and safety' (WHS) are equivalent.

What is this unit about?

To effectively contribute to a safe and healthy workplace you need to be skilled in the following:

UNIT ELEMENTS

E1 Identify WHS legal and compliance framework as it applies to the workplace

E2 Contribute to WHS legislative compliance

E3 Maintain current knowledge of WHS laws and publications

As you work your way through this unit, you will build an understanding of these important skills.

Assessments



Assessment 1 – Portfolio –
4 tasks



Assessment 2 – Project
and Presentation



Assessment 3 –
Knowledge Based Test &
Observation

Introduction Activity

Interview the person next to you and present the information to the class.
Find out:

- Their name
- Why they have enrolled in this course
- What they hope to learn
- Something interesting they have done.



What is work health and safety (WHS)?

- Work health and safety (WHS) involves the management of risks to the health and safety of everyone in the workplace.
- This includes:
 - Employee
 - Customers
 - Visitors and contractors
 - Suppliers
- WHS legislation governs workplace health and safety and welfare in each state and all employees must know and comply with these legal requirements.



- Provides guidance to employers and their representatives to help them ensure they are complying with legislative requirements
- Gives powers to each state and territory regulator to inspect workplaces and investigate incidents.

Why we need a WHS legislative framework:

- If there is evidence of a breach of the WHS Act, the regulator will determine what action should occur.

WHS requirements in each state or territory

- Each state has its own WHS laws and a regulator to enforce them.
- The WHS framework for each state includes the:
 - **Act** – outlines your broad responsibilities.
 - **Regulations** – set out specific requirements for specific hazards and risks, such as noise, machinery, and manual handling.
 - **Codes of practice** – provide practical information on how you can meet the requirements in the Act and Regulations.
 - **Regulating agency (regulator)** – administers WHS laws, inspects workplaces, provides advice and enforces the laws.
 - **Guidelines** - an explanatory document that provides more information on the requirements of legislation, best practice, and may explain means of compliance.



Act

The Act is the formal, broad description of the law, setting out the key principles, duties, obligations and rights for each duty holder in relation to Work Health and Safety. It includes the power to create regulations.

An Act can only be amended by another Act of Parliament.

Regulations

Regulations support the Act, providing more detailed information about duties in relation to particular hazards, procedures and WHS obligations.

Regulations are still subject to Parliamentary scrutiny, but are more readily adaptable to changes or special circumstances than the Act.

Codes of practice

Codes of practice provide guidance to operators to meet their 'duty of care' responsibilities.

Codes of practice are not legally binding, but are admissible in Courts as evidence.

If duty holders choose not to follow a code of practice, they need to have a better system and provide justification.

Guidance material

Provides further guidance on complying with requirements under the Act and Regulations.

Contributes to overall knowledge of hazards, risks and controls, so duty holders understand what is reasonably practicable, and can choose options that best suit their circumstances.

Harmonise d Workplace Health And Safety Laws

- On 1st January 2012, Australia began the of implementation of new work health and safety laws which are designed to harmonise occupational health and safety (OH&S) laws across the country.
- The WA Parliament has now passed the Work Health and Safety Act 2020 (WHS Act), 12 years after the WA Government agreed to introduce harmonised work health and safety (WHS) laws

Key changes to WA's new laws

- **PCBU** – extends beyond traditional employers and may include corporations, associations, organisations, partnerships, sole traders, an organisation where volunteers are employed.
- **Officer** – have due diligent responsibilities to ensure workplace health and safety compliance.
- Officers and PCBUs cannot take out **insurance** against breaches to WHS legislation

Work Health and Safety Act 2020

Safety and health in Western Australian workplaces is regulated by the:

- **Work Health and Safety Act 2020**
- **Work Health and Safety (General) Regulations 2022**
- **WorkSafe WA** is the Government agency responsible for the administration of the WHS Act. It is a division of the Department of Mines, Industry Regulation and Safety.
- Workers' compensation regulator – WorkCover WA

Activity: In a group of three

Access the WorkSafe Home Page – Link available on Blackboard-Learning Content- Resources and Reading Folder

<https://www.commerce.wa.gov.au/worksafe>

- Follow the Work Health and Safety Laws link.
- Search for Violence, aggression and bullying at work - code of practice.
- Refer to the section regarding either “violence and aggression” or Bullying then discuss and explain the following
 - Define and give an example of what it is
 - Explain the employers responsibility in regards to the hazard

Identify WHS legislative requirements in the workplace

The legal WHS requirements determine the WHS obligations that apply to each individual workplace.

The range of requirements that need to be addressed include:

- the duties and responsibilities of the PCBU and their officers and workers
- the powers and functions of health and safety committees and health and safety representatives
- hazard and risk identification
- strategies to minimise or eliminate risks and hazards
- strategies to maintain a safe and healthy workplace
- procedures to address staff illness and workers compensation
- record keeping.

Identify duty holders



- You need to be able to identify the WHS duty holders in your own work area, which may include:
 - PCBU's
 - officers
 - workers
 - other people.

Definition of PCBU

A **person conducting a business or undertaking** is a broad term used throughout WHS legislation to describe all forms of modern working arrangements, which we commonly refer to as businesses.

A **person** who performs work for a PCBU is considered a **worker**.

Types of PCBUs can include:

- public and private companies
- partners in a partnership, sole traders and self employed people
- government departments and authorities
- Cooperatives and associations if they have one or more employees
- local government councils
- independent schools & universities



PCBU or the employer – their role is to ensure the workplace is safe at all times and implement administrative controls to ensure staff are trained correctly to fulfil their WHS obligations.

Director, manager or co-ordinator – they may take an **officer** role to determine the organisation's WHS responsibilities.

Workers – their role is to take care of their own safety, and follow WHS policies and procedures, as directed by their PCBU.

Volunteers – their role is to also take care of their own safety and follow WHS policies and procedures.



Other Duty Holders

- Other duty holder could include but not limited to:
 - Management
 - Health and Safety Representatives
 - Health and Safety Inspectors
 - Safety Officer's
 - Fire Warden
 - Security Officers
 - Health and Safety Committees

Workers

The WHS Act adopts a broad definition of 'worker' to ensure health and safety protection is extended to all types of workers. A worker includes:

- Employees
- Independent contractors
- Sub-contractors
- Outworkers e.g. Home based
- Apprentices
- Work experience students
- Trainees
- Volunteers who work in employment-like setting



Officers

- An officer is a person who makes decisions that affect the whole, or a substantial part, of a business or PCBU and has the capacity to significantly affect the financial standing of the business.
- Officers generally refers to directors and managers
- If a person is responsible only for implementing those decisions, they are not considered an officer.



Apply knowledge of WHS legislation in the workplace

To demonstrate due diligence, officers must take reasonable steps to:

- keep their knowledge of WHS up-to-date
- understand how the business operates and the workplace's hazards and risks have processes in place for receiving and responding to information in a reasonable time frame
- allocate appropriate resources to eliminate or minimise risk
- put in place processes for monitoring that the business is complying with WHS.

Stay up-to-date with current WHS legislation, codes, standards and procedures.

- Enrol in newsletters with updates from the legislator (WorkSafe WA)
- Participate in WHS seminars, conferences or web trainings.
- Check your internal procedures and introduce the new requirements into the existing procedures.
- Inform all the staff on the new legal requirements and refresh their knowledge.
- Inform the clients on the new legal requirements.
- Document everything and keep records in regards to
- Appoint a person in charge of your company's compl

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Duty of Care

- The WHS Act 2020 imposes a general duty of care to protect persons at work from hazards and maintain safe and healthy workplaces.
- All parties in a workplace – employers, employees and self-employed persons – have some responsibility for the safety and health of those at the workplace.
- The duty of care also extends to those who control workplaces, design and construct buildings or manufacture and supply plant.
- Better understanding of the laws helps everyone in the workplace contribute towards achieving a safe and healthy workplace environment.

Duty Of Care - Employers

Employers must, so far as is practicable, provide and maintain a working environment where their employees are not exposed to hazards.

General duties include:

- safe systems of work;
- information, instruction, training and supervision;
- consultation and co-operation;
- provision of personal protection; and
- safe plant and substances.
- reporting of fatalities, injuries and disease

Source: section 23J, Occupational Safety and Health Act 1984.

Duty of Care - Employers




Workers must be informed of the hazards of the chemical and trained in emergency and first aid procedures.

Duty Of Care - Employees

Employees must take reasonable care for their own safety and health at work and avoid harming the safety and health of other people through any act or omission at work.

General duties include:

- following the employer's safety and health instructions;
- using personal protective clothing and equipment;
- taking good care of equipment;
- reporting hazards;
- reporting work-related injuries or harm to health; and
- co-operating with employers so that employers are able to carry out their duties under the Act.



Duty of Care - Employees

Workers have a duty to wear the PPE provided, for those tasks where they have been instructed to wear it.



Duty of Care - Officers

Officers must monitor and maintain a working environment where their employees are not exposed to hazards.

- General duties include:
 - supervision of employees;
 - information, instruction, training and supervision;
 - conduct hazard and risk audits
 - provide PPE if needed
 - communicate changes or up-dates to legislation to employees
 - consultation and co-operation;
 - reporting of fatalities, injuries and disease

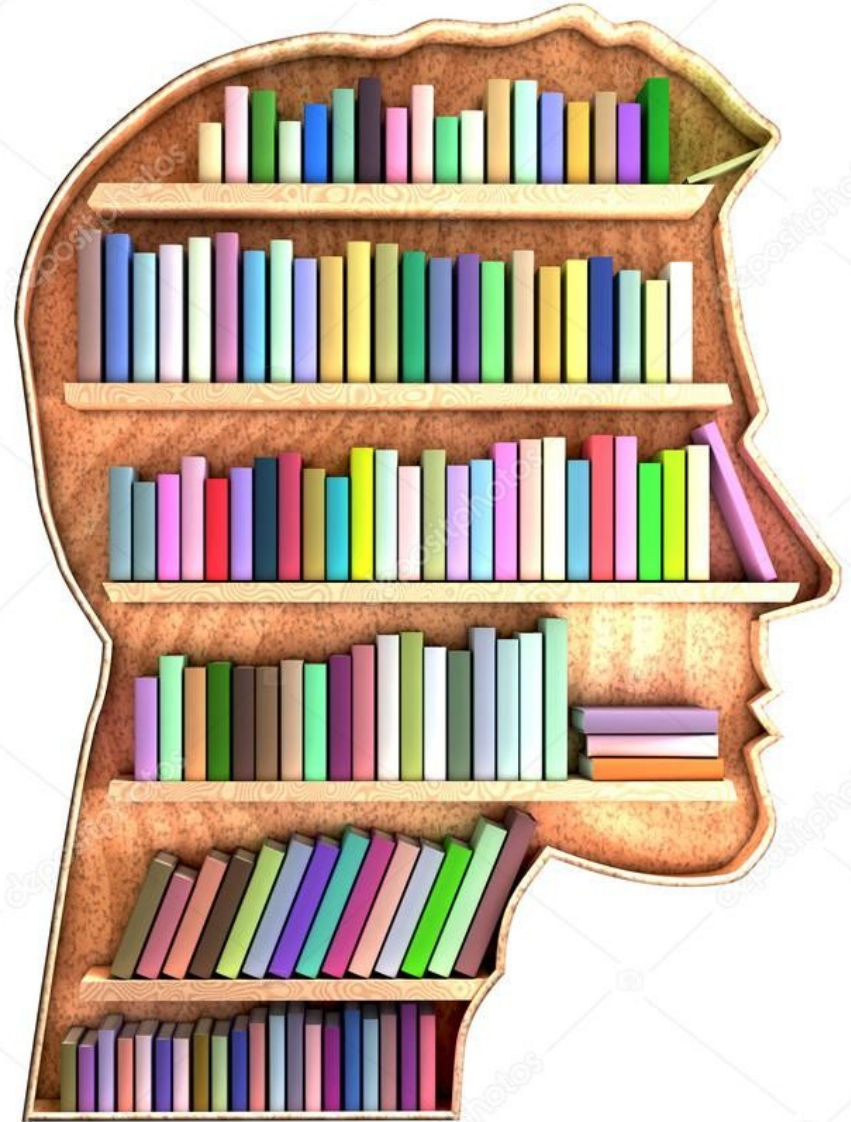
Summary

- Each state and territory legislative and compliance framework is made up of the same elements and each has similar intentions:
 - WHS Acts set out the key principles, duties, obligations and rights in relation to WHS.
 - Regulations supplement the WHS Act
 - Codes of practice provide practical guidance
 - Guidance notes
- It is important to stay up-to-date with current WHS legislation, codes, standards and procedures.
- WHS Acts impose a strict duty of care on PCBU's, as well as their representatives and workers to ensure the health and safety of all workers and others within the workplace

Out of Class Activities

Handout: Guide To The Work Health And Safety Act

- Located in the Learning Area of Blackboard
- Read pages 4 - 13





Successfully
complete the
General Module



Choose one
or more
Industry Module



Receive your
SmartMove
Certificate!



SMARTMOVE CERTIFICATE



EXTENSION MODULE



ADDITIONAL RESOURCES

[Home](#) > SmartMove Certificate

Complete the SmartMove Certificate complete the
General and Business modules and obtain the
Certificate and upload to BlackBoard

Reference S

- <https://www.business.gov.au/risk-management/health-and-safety/work-health-and-safety#:~:text=Act%20%E2%80%93%20outlines%20your%20broad%20responsibilities,in%20the%20Act%20and%20Regulations>
- Department of mines, industry regulation & safety:
<https://dmp.wa.gov.au/Dangerous-Goods/Legislative-framework-for-6494.aspx>
- Guidance Note: General Duty of Care in WA Workplaces:
<https://www.commerce.wa.gov.au/publications/guidance-note-general-duty-care-western-australian-workplaces>